



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,927	12/02/1999	DAVID SEAGER RENSHAW	UK999029	1912

7590 01/30/2004

Andrew Calderon
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 01/30/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/452,927

Applicant(s)

RENSHAW, DAVID SEAGER

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18 - 32, 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 18 - 32, 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

R marks

1. This Office Action is the response to the communication received on November 17, 2003 for amendment under 37 C.F.R. §1.11. Reconsideration of the instant application is requested by Applicant. All such supporting documentation has been placed of record in the file. Claims 1-15, 18 - 32 and 35 are pending.

- a. Previously claims 1-15, 18 - 32 and 35, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tabloski USPN 5,999,729 in view of Kerr USPN 6,105,119.
- b. In this action claims 1-15, 18 - 32 and 35 still remain under a different grounds of rejection as necessitated by the amendment.
- c. All independent claims have been amended hence this action is being made Final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2122

3. Claims 1 - 4, 7, 18 - 21, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 (hereinafter) Tabloski in view of McLain Jr. USPN 5,956,513 and further in view of Kerr et al. USPN 6,105,119 (hereinafter) Kerr.

Regarding claims 1, 18 & 35, Tabloski discloses a system (26:3-27:7), a method (Col.27:25-28:45) and a product (28:45-30:38) for creating a data file using a programming development environment on a computer system (abstract), comprising the steps of building a program to represent data file [13:62-67], compiling into a software executable [20:30-35], and running the executable to generate the data file [20:30-35]. Tabloski doesn't explicitly disclose wherein the data file containing definition files which are interpreted by a third party computer system. However McLain does disclose this feature in a similar configuration (Col.8:20-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Taloski and McLain, because interpreting the definitions files by a third party system would enable other systems or third party systems to use the files. Tabloski and McLain in combination also does not disclose the third party computer system comprises a dialogue management system for a computer telephony system. However, Kerr does disclose use of data files (header files) in third party systems and vendors in a dialogue system (21:40-55, see header, file is the Direct DSP API). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tabloski and McLain with Kerr, because the data file (header file) guarantees Host the system (third party and/or vendor) will use the common data structure, so that calls to the Direct DSP API do not introduce new overhead or represent any call overhead to the host OS.

Regarding claim 2 according to claim 1, whereby the program is built by linking a plurality of development components [Tabloski, 3:42-47].

Regarding claim 3 according to claim 2, whereby at least one component comprises characteristic data file information [Tabloski, 14:30-35].

Art Unit: 2122

Regarding claim 4 according to claim 3 whereby, on running the executable, at least one compiled component outputs its respective data file information into the data file [Tabloski, 14:30-40].

Regarding claim 7 according to claim 2 wherein at least one development component comprises a graphical icon for a visual development graphical user interface [Tabloski, fig 2 30].

Regarding claim 18, see reasoning in 1.

Regarding claim 19, see reasoning in 2.

Regarding claim 20, see reasoning in 3.

Regarding claim 21, see reasoning in 4.

Regarding claim 24, see reasoning in 7.

Regarding claim 35, see reasoning in 1.

4. Claims 5, 6, 8 -13, 22, 23, & 25 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 (hereinafter) Tabloski in view of McLain Jr. USPN 5,956,513 and further in view of Kerr et al. USPN 6,105,119 (hereinafter) Kerr and in further view of Iyengar et al. USPN 6,018,627 (hereinafter) Iyengar.

Regarding claim 5, Tabloski as modified by McLain and Kerr discloses all the claimed limitations as applied in claim 4. The combination of Tabloski, McLain and Kerr doesn't explicitly disclose running the executable, at least one compiled component creates a file output stream and writes its respective data file information to the output stream. However, Iyengar does disclose this feature, (abstract, see putting and taking output data from repository). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tabloski as modified with McLain and Kerr with Iyengar to implement the instant claimed invention because, data

Art Unit: 2122

streaming is a general practice during program executing and allows data requirements to be instrumented into a program which makes running the program more efficient.

Regarding claim 6 according to claim 4 whereby, on running the executable, at least one compiled component causes another component to output its respective data file information into the data file [Tabloski, fig 3].

Regarding claim 8 according to claim 2 wherein the development components are Java beans [Iyengar et al, 12:8].

Regarding claim 9 according to claim 2 wherein the development components comprise a main component and a sub-component [Tabloski, 13:65-14:10, see icon and dialogue box, fig 3 and fig 4].

Regarding claim 10, method of claim 8 where main development components represents a form [Tabloski, fig3].

Regarding claim 11 according to claim 10 wherein the sub-component represents a text field on the form [Tabloski, fig 4].

Regarding claim 12 according to claim 2 whereby the program is compiled by generating an executable component from each development component and linking the executable components together [Tabloski, 6:18-23].

Regarding claim 13 according to claim 12 whereby, on running a first executable component, data file information from the first executable is output before running the next and subsequent executable components [Tabloski, 13:65-14:10, see icon and dialogue box, fig 3 and fig 4].

Regarding claim 22, see reasoning in 5.

Regarding claim 23, see reasoning in 6.

Regarding claim 25, see reasoning in 8.

Regarding claim 26, see reasoning in 9.

Regarding claim 27, see reasoning in 10.

Regarding claim 28, see reasoning in 11.

Regarding claim 29, see reasoning in 12.

Regarding claim 30, see reasoning in 13.

Art Unit: 2122

5. Claims 14,15,31,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 (hereinafter) Tabloski in view of McLain Jr. USPN 5,956,513 and further in view of Kerr et al. USPN 6,105,119 (hereinafter) Kerr as applied in claims 1 and 18 and further in view of Davidson 6,083,276.

Regarding claim 14, Tabloski as modified with McLain and Kerr discloses all the claimed limitations as applied in claim 1 above. The combination of Tabloski, McLain and Kerr doesn't disclose a data file comprising mark-up information. However, Davidson does disclose data file comprising mark-up information [4: 50-52]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tabloski, McLain and Kerr with Davidson to implement the claimed invention because, mark up information has the flexibility and simplicity of to provide the syntactic framework for configuring component based applications [Davidson 4: 13-15].

Regarding claim 15 according to claim 14, wherein the mark-up information comprises XML [Davidson, 4: 50-52].

Regarding claim 31, see reasoning in 14.

Regarding claim 32, see reasoning in 15.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2122

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

5. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 *and* 703-7467240 draft.

Chuck O. Kendall

Software Engineer Patent Examiner

A handwritten signature in black ink, appearing to read 'Tuan Dam', with a long horizontal flourish extending to the left.

**TUAN DAM
SUPERVISORY PATENT EXAMINER**